

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:06-CR-19
)	
TIFFANY NICOLE McGHEE)	

MEMORANDUM AND ORDER

This criminal case is before the court on the defendant's motion, pursuant to Rule 29 of the Federal Rules of Criminal Procedure, for judgment of acquittal [doc. 76]. The government has responded [doc.77], and the motion is ripe for the court's consideration.

On a motion for judgment of acquittal, the court may not substitute its judgment for that of the jury, *see Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979), but in this case, the jury was unable to reach a verdict and a mistrial was declared. The jury's inability to reach a verdict, however, shows that the evidence was sufficient to convince at least one of the jurors, if not more, that the defendant committed the offenses charged. The court finds that there was sufficient evidence presented at trial to support a conviction if the jury believed

the government's witnesses. The fact that at least one juror did not accept the government's version of the facts does not mean that the proof was insufficient.

Therefore, it is hereby **ORDERED** that the defendant's motion for a judgment of acquittal is **DENIED**.

ENTER:

s/ Leon Jordan
United States District Judge